54

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/326,035	06/04/1999	BRADLEY CAIN	2204/157	3619

7590 03/14/2003

MARY STEUBING & ASSOCIATES
41 JEWETT STREET
PEPERRELL, MA 01463

EXAMINER
ZHEN, LI B

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

54

Office Action Summary	Application No.	Applicant(s)	
	09/326,035	CAIN ET AL.	
	Examiner	Art Unit	
	Li B. Zhen	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 – 3, 5 – 7, 10, 11, 13 – 15, 17 – 19, 22, 23, 25 – 27, 29 – 31, 34, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,360,266 to Pettus.

As to claim 1, Pettus (column 4, lines 35 – 40; column 9, lines 49 – 61; column 15, line 33 – column 16, line 36) establishing communication (establish session) between a first application (application program 1100, Fig. 11) and a second application (networking service 1118, Fig. 11), comprising:

forwarding a notify message to the second application (application program 1100 activates service object reference, step 1206, Fig. 12), receipt of the notify message by

the second application causing the second application to ascertain path data (in step 1304, the stack definitions contained in the service object are used by the server interface 1120 and the networking service 1118 to set up protocol stack layers, Figs. 12 and 13) for establishing a path (communication link) between the first application (application program 1100, Fig. 11) and the second application (stack definitions then set up DRPS 1124 and configure the communication link in preparation for sending request and reply data between the application program 1100 and the remote service, Fig. 11);

the first application ascertaining path data (remote service address) for establishing a path between the first application and the second application (when the application program communicates with the remote service, it uses the remote service address passed through the communications directory service to the networking service); and

the first application and second application establishing a path between the first application and the second application after the path data is ascertained by the first application and the second application (step 1210, a separate data path is set up to send service requests from application program 1100 to the remote service...separate data path comprises data path 1102, client interface 1126 and the session layer 1123 of the DRPS 1124...reply information returns via DRPS 1124, data stream 1128, client interface 1126 and data path 1102 to the application program 1100, Figs. 11 and 12).

As to claim 13, this is an apparatus claim that corresponds to method claim 1; note the rejection of claim 1 above, which also meets this claim.

As to claim 25, this is product claim that corresponds to method claim 1; note the rejection of claim 1 above, which also meets this claim.

As to claims 2, 3, 14, 15, 26, and 27, Pettus teaches (column 16, lines 1 – 46) forwarding a reply message (remote service exchange) to the first application (server interface 1120 exchanges the address of the session layer 1123 for the remote service exchange obtained from the service object reference and returns the remote service exchange to the application program 1100, Fig. 11) and the first application ascertains the path data (it uses remote service address) after receipt of the reply message (when the application program communicates with the remote service, it uses the remote service address passed through the communications directory service to the networking service).

As to claims 5, 17, and 29, Pettus teaches (column 4, lines 18 – 47) the first application and the second application (client desiring to access a remote service) establish a path (uses the service object to set up the communications path) by ascertaining the path data (retrieves the appropriate service object) from a configuration file (from the communications directory service) that includes the path data (service object).

As to claims 6, 18, and 30, note the rejection to claim 1. As to configuration file, see the rejection to claim 5.

As to claims 7, 19, and 31 Pettus teaches (column 15, lines 40 – 50; column 16, lines 1 – 36) the path data (service object) is retrieved from the configuration file (communications directory) by a path function (service access routine, step 1200, Fig.

12; activation routine, step 1300, Fig. 13) that forwards a path message (remote service exchange) to the first application and the second application (returns the remote service exchange, step 1208, via configuration data stream 1116, client interface 1126 and data path 1102 to the application program 1100).

As to claims 10, 11, 22, 23, 34, and 35, Pettus teaches (column 12, lines 59 – 67) running the second application (server node is arranged with a system address space 800 which would include operating system programs and various shared libraries that are used by the service applications running on the system, Fig. 8). Obviously, an application is considered to be executing after it is initialized and before it stops running.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 8, 9, 20, 21, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettus in view of U.S. Patent No. 6,286,047 to Ramanathan.

As to claim 8, 20, and 32, Pettus does not teach a monitoring function for detecting that an application has been added to the platform.

Ramanathan teaches (column 3, lines 45 – 67; column 4, lines 10 – 41) a monitoring function (discovery system) for detecting that an application has been added (in the first phase of discover, the services and service elements are detected). It would

have been obvious to apply a monitoring function as taught by Ramanathan to the invention of Pettus because it would detect the addition of new applications.

As to claim 9, 21, and 33, an application would obviously be loaded into volatile memory when is executing.

5. Claims 4, 12, 16, 24, 28, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettus in view of U.S. Patent No. 5,539,886 to Aldred.

As to claims 4, 16, and 28, Pettus does not teach forwarding ready messages.

Aldred teaches (column 31, lines 1 – 20) ready messages (SHARE_CONFIRMED). It would have been obvious to apply ready messages as taught by Aldred to the invention of Pettus because it would allow the connected applications to notify each other that they are ready to start communications.

As to claim 12, 24, and 36, Pettus teaches (column 9, lines 30 – 39) communication channels but does not specify a channel handler.

However Aldred teaches (column 5, line 20 – column 6, line 13; column 18, lines 1 – 20) a handler (Port_event handler) to each channel (communications, channels and ports) and each handler processing messages in its assigned channel (more than one event handler may be present and each handles data communications related events).

It would have been obvious to apply a channel handler as taught by Aldred to the invention of Pettus because channel handlers would handle data communication related events.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,764,915 to Heimsoth teaches an object oriented protocol interface for establishing a communication path between communication endpoints.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406. The examiner can normally be reached on Mon - Fri, 8am - 4:30pm.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Li B. Zhen
Examiner
Art Unit 2126

lbz
March 7, 2003

ALVIN OBERLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100